

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 497810 GWV	FOR FURTHER ACTION	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/NZ2003/000290	International filing date (<i>day/month/year</i>) 22 December 2003	(Earliest) Priority Date (<i>day/month/year</i>) 20 December 2002
Applicant SEALED AIR (NZ) LIMITED et al		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 6 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
 - a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
 - b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:
 contained in the international application in written form.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority in written form.
 furnished subsequently to this Authority in computer readable form.
 the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished
2. Certain claims were found unsearchable (See Box I).
3. Unity of invention is lacking (See Box II).
4. With regard to the title,
 the text is approved as submitted by the applicant.
 the text has been established by this Authority to read as follows:
5. With regard to the abstract,
 the text is approved as submitted by the applicant
 the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. The figure of the drawings to be published with the abstract is Figure No. 6
 as suggested by the applicant.
 because the applicant failed to suggest a figure
 because this figure better characterizes the invention

None of the figures

INTERNATIONAL SEARCH REPORT

International application No.

PCT/NZ2003/000290

Box I Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos :
because they relate to subject matter not required to be searched by this Authority, namely:

2. Claims Nos :
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. Claims Nos :
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

Box II Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

Claims 1-28 are directed to an apparatus and method for vacuum packing products wherein characteristics of the product are determined and a bag opened wide enough to suit the product.

Claims 29 & 30 are directed to an apparatus and method for vacuum packing products wherein characteristics of the product are determined and selective conveyors move the product according to the product size.

See supplemental sheet for details.

1. As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/NZ2003/000290

A. CLASSIFICATION OF SUBJECT MATTER

Int. Cl. 7: B65B 31/02, 43/26, 57/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
 DWPI IPC B65B and keywords: vacuum, evacuate, bag, sack, pouch, wrap, web, layer, read, detect, acquire, sense, control, information, data, datum, characteristic, width, height, length, size, weight, mass, dimension, volume and similar terms.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 3872644 A (GIRAUDI et al) 25 March 1975 See whole document.	1-8, 13-25, 27, 28
Y	See whole document together with WO 2000/027706.	13-15, 18, 27, 28
A	See whole document.	29, 30
Y	WO 2000/0207706 A2 (CRYOVAC INC) 18 May 2000 See whole document together with US 3872644.	13-15, 18, 27, 28

 Further documents are listed in the continuation of Box C See patent family annex

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search
20 May 2004

Date of mailing of the international search report
24 MAY 2004

Name and mailing address of the ISA/AU
AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail address: pct@ipaaustralia.gov.au
Facsimile No. (02) 6285 3929

Authorized officer
DEREK BUTLER
Telephone No : (02) 6283 2347

INTERNATIONAL SEARCH REPORT

International application No. PCT/NZ2003/000290
--

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5255495 A (KOVACS) 26 October 1993 See whole document	1-30
A	US 4543766 A (BOSHINSKI) 1 October 1985 See whole document	1-30

INTERNATIONAL SEARCH REPORT

International application No.
PCT/NZ2003/000290

Box I Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos :
because they relate to subject matter not required to be searched by this Authority, namely:

2. Claims Nos :
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. Claims Nos :
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

Box II Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

Claims 1-28 are directed to an apparatus and method for vacuum packing products wherein characteristics of the product are determined and a bag opened wide enough to suit the product.

Claims 29 & 30 are directed to an apparatus and method for vacuum packing products wherein characteristics of the product are determined and selective conveyors move the product according to the product size.
See supplemental sheet for details.

1. As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- The additional search fees were accompanied by the applicant's protest.
 No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/NZ2003/000290

Supplemental Box

(To be used when the space in any of Boxes I to VIII is not sufficient)

Continuation of Box No II: Observations where unity of invention is lacking

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are different inventions as follows:

1. Claims 1-28 are directed to an apparatus or method for vacuum packing a product in which upstream product information is acquired relating to characteristics of the product and a pack opener is opened to suit the product characteristics prior to presentation into the vacuum packaging machine. It is considered that the opening of the pack in relation to the product characteristics comprises a first "special technical feature".
2. Claims 29 and 30 are directed to an apparatus or method for vacuum packing a product in which upstream product information is acquired relating to characteristics of the product and two or more generally parallel load conveyors move products into packs, the number of conveyors used depending on the product size. It is considered that the selective use of multiple conveyors dependent on product size comprises a second "special technical feature".

These groups are not so linked as to form a single general inventive concept, that is, they do not have any common inventive features, which define a contribution over the prior art. The common concept linking together these groups of claims is vacuum packaging wherein product characteristics are acquired upstream of packaging. However this concept is not novel in the light of many applications in the art using product characteristics acquired upstream to control functions of the packaging. In particular see US 3872644 (Giraudi et al) which uses the product characteristics to indicate pack size and open the pack to suit. Therefore these claims lack unity, *a posteriori*.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/NZ2003/000290

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report			Patent Family Member			
US	3872644	NIL				
WO	0027706	AU	31480/00	EP	1124724	
US	5255495	CA	2141339	EP	0665796	WO 9410037
US	4543766	CA	1248003	EP	0117517	JP 59163112

Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001.

END OF ANNEX